THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.17529 of 2004

O R D E R:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

This writ petition is filed seeking to declare the action of the respondents in opening rowdy sheet No.650 of 1997 on the file of Guntur Taluq P.S. against the petitioner and in continuing the same as arbitrary and illegal.

The petitioner states that he has been in active politics in Guntur Rural Mandal. It is stated that he had worked as Vice President of the Guntur District Youth Congress Committee for the period 1992-1995 and was elected as Mandal Parishad Territorial Constituency Member (MPTC) from Segment-III of Gorantla Village in Guntur Rural Mandal, Guntur District in 1995 on behalf of Indian National Congress party. Subsequently he was elected as President, Mandal Parishad of Guntur Rural Mandal. It is stated that at the instance of the members of opposite political party, who bore grudge against the petitioner since he was elected on behalf of some other political party, several criminal cases were registered against him and other local party workers. In pursuance thereof Crime No.216 of 1996 on the file of Guntur Taluq P.S. was registered against the petitioner and others under Sections 147, 148, 307 and 302 read with 149 IPC and Sections 3 and 5 of Explosive Substances Act, and the same was committed to the Court of the Additional District and Sessions Judge, Guntur in S.C.No.617 of 1997. However, on 18-03-2002, the said case ended in acquittal. It is also stated that similar other criminal cases registered against the petitioner have also ended in acquittal.

The grievance of the petitioner is that in spite of the fact that all the criminal cases registered against him have ended in acquittal and no crime is pending against him as on today, the respondents have

continued the rowdy sheet against him which was opened as long back as in 1987 without application of mind to the facts and circumstances of the case. Hence, this writ petition.

In the counter-affidavit filed on behalf of the respondents, the fact that the petitioner was acquitted in several criminal cases is not denied. However, it is stated that mere acquittal does not bar the police authorities from continuing the rowdy sheet and that to curb and curtail the rowdy sheets, the Government instructed the police department to keep a watch on their activities. It is also stated that so far as the petitioner is concerned, the rowdy sheet was renewed up to 31-12-2004.

Though the matter was adjourned several times to enable the learned Government Pleader to ascertain whether the rowdy sheet has been continued beyond 31-12-2004, nothing has been placed before this Court to show that the rowdy sheet is being continued as on today.

Be that as it may, the Apex Court as well as this Court on a number of occasions held that rowdy-sheets cannot be opened against any individual in a casual and mechanical manner and that dubbing a person as an habitual offender and to open a rowdy-sheet is not sufficient. The Courts have reiterated the principle of law that the important element that has to be seen to continue a rowdy-sheet is whether the acts committed by a person will have a tendency to disturb public peace and tranquility. In *EJAZ vs. GOVT.OF A.P.* this Court having considered the scope of Standing Order No.742 of A.P. Police Standing Orders held that surveillance and monitoring the moments of persons against whom a rowdy-sheet is opened should be proportionate and commensurate to reasonable apprehension and with a view to prevent commission of a crime which may result in breach of peace. Similar view has been expressed in *MOHD. QUADEER vs. COMMISSIONER OF POLICE*. In *S. SATYANARAYANA vs. STATE OF A.P.* having reviewed all the relevant cases with regard to opening and retention of history-

sheets/rowdy-sheets the principles of law have been enumerated in detail. A Division Bench of this Court in *PUTTAGUNTA PASI vs. COMMISSIONER OF POLICE* held that rowdy-sheet cannot be opened in a mechanical manner and that mere figuring of name of a person in two crimes is not sufficient to hold him an habitual offender.

Having regard to the facts and circumstances of the case, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition directing the first respondent, in case the rowdy sheet is being continued as on today, to review the same in the light of the provisions of Standing Order No.742 of the Andhra Pradesh Police Standing Orders and keeping in view the guidelines laid down in the decisions cited *supra* and to pass orders, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order and to communicate the same to the petitioner.

The writ petition is accordingly disposed of. No costs.

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(**G. ROHINI, J**)

Date:07-10-2005

ghn

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.17529 of 2004

Dated 07-10-2005

Between:

Bonaboyina Srinivasa Rao @ Cheppula Sreenu.

..... PETITIONER

AND

The Superintendent of Police, Guntur,

and one another.

.....RESPONDENTS